

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

WILLIAM KENZO NAKAMURA  
U.S. COURTHOUSE, SUITE 215  
SEATTLE, WASHINGTON 98104

February 22, 2002

Mr. Perry D. Mathis  
Clerk  
United States District Court  
140 Hugo L. Black United States  
Courthouse  
1729 Fifth Avenue North  
Birmingham, AL 35203

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) Products Liability Litigation

Dear Clerk:

Enclosed is a certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective February 14, 2002. We have assigned an individual Western Washington District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil case number.

Title of Case
1. Kenneth Bevis vs. GlaxoSmithKline
2. Phillip Wiggins vs. American Home Prod.

Your Number

3:01-1294  
3:01-2303

WAW Number

CV 02-0418  
CV 02-0419

Sincerely,

BRUCE RIFKIN, CLERK

By

*Valerie Barber*

Valerie Barber, Deputy Clerk  
206-553-1170 ext 4

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

WILLIAM KENZO NAKAMURA  
U.S. COURTHOUSE, SUITE 215  
SEATTLE, WASHINGTON 98104

February 22, 2002

Mr. Richard H. Weare  
Clerk  
United States District Court  
1500 Evo A. DeConcini United States  
Courthouse  
405 West Congress Street  
Tucson, AZ 85701-5010

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) Products Liability Litigation

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Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil case number.

Title of Case	Your Number	WAW Number
1. Melissa Ann Kobar vs. Novartis Corp.	2:01-156	<b>CV 02-0420</b>

Sincerely,

BRUCE RIFKIN, CLERK  
By *Valerie Barber*  
Valerie Barber, Deputy Clerk  
206-553-1170 ext 4

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

WILLIAM KENZO NAKAMURA  
U.S. COURTHOUSE, SUITE 215  
SEATTLE, WASHINGTON 98104

February 22, 2002

Mr. J. T. Noblin  
Clerk  
United States District Court  
316 James O. Eastland United States  
Courthouse  
245 East Capitol Street  
Jackson, MS 39201

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) Products Liability Litigation

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Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil case number.

Title of Case	Your Number
1. Dorothy U. Newell vs. American Home Prod.	2:01-198
2. Gregory L. Davis vs. American Home Prod.	2:01-212
3. Edna M. Barnett vs. American Home Prod.	4:01-169
4. Bobby Robinson vs. Bayer Corp.	5:01-263
5. Bridgette Pollard vs. Bayer Corp.	5:01-264
6. Majorie M. McQuirter vs. Chattem	5:01-266

Your Number

WAW Number

CV 02-0421  
CV 02-0422  
CV 02-0423  
CV 02-0424  
CV 02-0425  
CV 02-0426

Sincerely,

BRUCE RIFKIN, CLERK

By

*Valerie Barber*  
Valerie Barber, Deputy Clerk  
206-553-1170 ext 4

# JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**

Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Morey L. Sear  
United States District Court  
Eastern District of Louisiana

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge Julia Smith Gibbons  
United States District Court  
Western District of Tennessee

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

February 14, 2002

Bruce Rifkin, Clerk  
215 William Kenzo Nakamura U.S. Courthouse  
1010 Fifth Avenue  
Seattle, WA 98104

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

*Kenneth Bevis, et al. v. GlaxoSmithKline Corp., et al.*, N.D. Alabama, C.A. No. 3:01-1294  
*Phillip Wiggins, et al. v. American Home Products Corp., et al.*, N.D. Alabama, C.A. No. 3:01-2303  
*Melissa Ann Kobar, etc. v. Novartis Corp., et al.*, D. Arizona, C.A. No. 2:01-156  
*Dorothy U. Newell, et al. v. American Home Products Corp., et al.*, S.D. Mississippi, C.A. No. 2:01-198  
*Gregory L. Davis, et al. v. American Home Products Corp., et al.*, S.D. Mississippi, C.A. No. 2:01-212  
*Edna M. Barnett, et al. v. American Home Products Corp., et al.*, S.D. Mississippi, C.A. No. 4:01-169  
*Bobby Robinson v. Bayer Corp., et al.*, S.D. Mississippi, C.A. No. 5:01-263  
*Bridgette Pollard, etc. v. Bayer Corp., et al.*, S.D. Mississippi, C.A. No. 5:01-264  
*Marjorie M. McQuirter v. Chattem, Inc., et al.*, S.D. Mississippi, C.A. No. 5:01-266

Dear Mr. Rifkin:

I am enclosing a certified copy and additional copies of an order filed by the Judicial Panel on Multidistrict Litigation in the above-captioned matter. The act creating the Panel provides that:

Orders of transfer ... shall be filed in the office of the clerk of the district court of the transferee district and shall be effective when thus filed. The clerk of the transferee district court shall forthwith transmit a certified copy of the panel's order to transfer to the clerk of the district court from which the action is being transferred. 28 U.S.C. §1407(c).

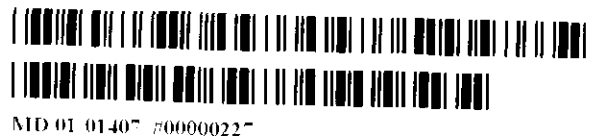
As is also required by the statute, a copy of the order is being sent to the clerk for the Southern District of Florida, the district in which the hearing on this matter was held on January 31, 2002

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

By [Signature]  
Deputy Clerk



Enclosures/Attachment

cc: Transferee Judge: Hon. Barbara Jacobs Rothstein  
Transferor Judges: Hon. Susan Ritchie Bolton; Hon. Davis C. Bramlette, III; Hon. Inge P. Johnson; Hon. John E. Ott;  
Hon. Charles R. Pickering, Sr.; Hon. Henry T. Wingate  
Transferor Clerks: J.T. Noblin; Perry D. Mathis; Richard H. Weare  
Hearing District Clerk: Clarence Maddox

**A CERTIFIED TRUE COPY**

FEB 14 2002

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FEB 14 2002

FILED  
CLERK'S OFFICE

**DOCKET NO. 1407**

ATTEST  
FOR THE JUDICIAL PANEL OF

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY  
LITIGATION**

*Kenneth Bevis, et al. v. GlaxoSmithKline Corp., et al.*, N.D. Alabama, C.A. No. 3:01-1294

*Phillip Wiggins, et al. v. American Home Products Corp., et al.*, N.D. Alabama, C.A. No. 3:01-2303

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*Marjorie M. McQuirter v. Chattem, Inc., et al.*, S.D. Mississippi, C.A. No. 5:01-266

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN,  
MOREY L. SEAR, BRUCE M. SELYA,\* JULIA SMITH GIBBONS, D.  
LOWELL JENSEN AND J. FREDERICK MOTZ,\* JUDGES OF THE PANEL**

**TRANSFER ORDER**

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in nine Northern District of Alabama, District of Arizona and Southern District of Mississippi actions. These parties move the Panel to vacate its orders conditionally transferring their actions to the Western District of Washington for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Barbara Jacobs Rothstein. Various defendants in the actions support transfer.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Western District of Washington, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. The Panel held that the Western District of Washington was the proper Section 1407 forum for actions brought by persons allegedly injured by products containing Phenylpropanolamine – a substance which, until it recently became the subject of a public health

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\*Judge Selya took no part in the decision of this matter. Additionally, Judge Motz took no part in the decision of this matter with respect to the *Newell* and *Barnett* Southern District of Mississippi actions.

advisory issued by the Food and Drug Administration, was used as an ingredient in many nasal decongestants and weight control products. *See In re Phenylpropanolamine (PPA) Products Liability Litigation*, 173 F.Supp.2d 1377 (J.P.M.L. 2001).

Certain of the plaintiffs premise much of their opposition to transfer on the pendency in their actions of motions to remand to state court. They urge the Panel not to order transfer before the motions are resolved by the transferor court. We note, however, that remand and other motions can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Air Crash Disaster at Florida Everglades on December 29, 1972*, 368 F.Supp. 812, 813 (J.P.M.L. 1973).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these nine actions are transferred to the Western District of Washington and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



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Wm. Terrell Hodges  
Chairman

FEB 14 2002

**DOCKET NO. 1407**

FILED  
CLERK'S OFFICE

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY  
LITIGATION**

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MOREY L. SEAR, BRUCE M. SELYA,\* JULIA SMITH GIBBONS, D.  
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FOR THE PANEL:



---

Wm. Terrell Hodges  
Chairman



**INVOLVED COUNSEL LIST**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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